

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN OJEDA-SANCHEZ,

Defendant.

Case No. 2:14-cr-00166-JAD-CWH

ORDER

This matter was referred to the undersigned magistrate judge on Defendant's letter (doc. # 40), filed July 13, 2015.

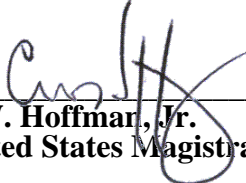
In his letter, Defendant states that "Judge Folley" denied him new counsel, and asks the Court to assign him new counsel because of a purported "break down in communication[s]" with current counsel, Todd M. Leventhal ("Leventhal"). Doc. # 40 at 1.

As a preliminary matter, this Court finds that Defendant's letter is actually an improperly filed motion for reconsideration, which this Court will construe as such and address in this limited instance. Second, Judge Foley is not assigned to this case, leaving the Court to question whether the instant motion is even properly filed under the correct case number. Third, a review of the record reveals that Defendant was already assigned new counsel, as Leventhal replaced Heidi A. Ojeda as attorney for Defendant in this case. See Doc. # 26; Doc. # 27. Finally, the record reveals that Defendant previously filed a "letter" similar to the instant letter/motion, with Defendant filing the instant letter/motion only twelve days after the Court decided the first letter at the July 1, 2015 hearing. See Docs. # 34-36; see also Doc. # 40. The Court notes that it addressed the issue of Leventhal's fitness

1 to serve as counsel for Defendant at the July 1st hearing. The Court also notes that it provided
2 Defendant and Leventhal opportunities to present their concerns, and spent a great deal of time
3 discussing such concerns with both Defendant and Leventhal at the hearing. At this time, Defendant
4 presents nothing new in the instant motion for this Court's consideration. As such, Defendant's
5 request is denied.

6 Accordingly, **IT IS HEREBY ORDERED** that Defendant's letter (doc. # 40), which this
7 Court construes a motion to reconsider the Court's prior decision to deny appointment of new counsel
8 (doc # 36), is **denied**.

9 DATED: August 18, 2015

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13 C.W. Hoffmar, Jr.
14 United States Magistrate Judge
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